

Generally.

When an administration in the orphans' court by an administrator *d. b. n.*, *c. t. a.* is necessary to confer title upon a legatee. Jurisdiction of equity. Property inadvertently omitted from inventory and account. Property acquired after the death of the testator. *Myers v. Forbes*, 74 Md. 312.

This section construed in connection with sections 31 and 32, requires that those entitled to notice be summoned before the letters *d. b. n.* are granted. *Thomas v. Knighton*, 23 Md. 325. And see *Wilcoxon v. Reese*, 63 Md. 545.

The term "person entitled" is not limited to those absolutely entitled as enumerated in section 32. The whole of article 93 will be construed together. This section construed in connection with sections 22, 23 and 29. *Kearney v. Turner*, 28 Md. 424.

The party entitled having renounced, the appointment of the party next entitled, upheld—see notes to section 37. *Stocksdale v. Conaway*, 14 Md. 106.

This section referred to in discussing the limited discretion vested in the orphans' court. *Georgetown College v. Browne*, 34 Md. 458.

This section referred to in construing section 51—see notes thereto. *Tuck v. Boone*, 8 Gill, 190.

This section referred to in construing section 72—see notes thereto. *Lemmon v. Hall*, 20 Md. 170.

This section referred to in construing section 243—see notes thereto. *Macgill v. Hyatt*, 80 Md. 237.

See notes to sec. 18.

As to the payment of the collateral inheritance tax by an administrator *d. b. n.*, see art. 81, sec. 138.

1904, art. 93, sec. 70. 1888, art. 93, sec. 71. 1860, art. 93, sec. 71. 1798, ch. 101, sub-ch. 5, sec. 6. 1820, ch. 174, ch. 3.

71. In no case shall the executor of an executor be entitled as executor to administration *de bonis non* of the first deceased.

Cited but not construed in *Bowie v. Bowie*, 73 Md. 234; *Scott v. Fox*, 14 Md. 398; *Hammond v. Hammond*, 2 Bl. 349; *West v. Hall*, 3 H. & J. 224.

Ibid. sec. 71. 1888, art. 93, sec. 72. 1860, art. 93, sec. 72. 1820, ch. 174, sec. 3.

72. The court shall, on the application of an administrator *de bonis non*, order the administrator of a deceased administrator to deliver over to him all the bonds, notes, accounts and evidences of debt which the deceased administrator may have taken, received, or had as administrator at the time of his death, and also to pay over to him the moneys in his hands as such on or before a certain day; and upon proof of the service of such order and the neglect or refusal of the administrator to comply therewith by the time therein specified, the court may order the bond of the deceased administrator, or of the administrator so refusing, or both of them, to be put in suit by the administrator *de bonis non*.

The authority of the court under this section is simply to order money in the hands of the deceased administrator to be turned over; no question of interest can be inquired into—see notes to section 11. Limitations and laches. *Donaldson v. Raborg*, 26 Md. 328. And see *Donaldson v. Raborg*, 28 Md. 53; *Blays v. Roberts*, 68 Md. 514.

This section impliedly clothes the court with power to inquire whether the property is administered or unadministered. What assets are regarded as administered? This section construed in connection with section 11—see notes thereto. *Baker v. Bowie*, 74 Md. 472. And see *Lemmon v. Hall*, 20 Md. 171; *West v. Channell*, 5 Gill, 229; *Gardner v. Simmes*, 1 Gill, 428. *Cf. Donaldson v. Raborg*, 26 Md. 324.

This section does not vest title to property unadministered in the administrator *d. b. n.*, nor does it give him the right of possession except upon the court's order. *Green v. Hart*, 57 Md. 237; *West v. Chappell*, 5 Gill, 229.